C.F. 73.

1925

Department of Lands

OFFICE Head Office

STATION Suva

Reg. No.	2092
Dated	24 9 25

To whom sent	Date	Initial.
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	1 Oct 25
	Indexed	
Pages in the file	To be destroyed on*	

(SUBJECT.)

Advances Loans and Kauvadra

Hypothecation of Lands assigned

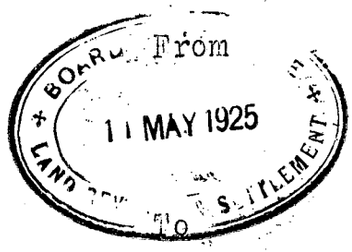
under the Native Land

Ordinance

* Not to be filled in in the case of permanent records.

Ref C.3481-25- B 3.

South Kanara Collector's Office,
Mangalore, Dated 8th May, 1925.



71396

C.A. Souter, Esquire, I.C.S.,
Collector of South Kanara.

The Secretary to Board,
Land Revenue & Settlement,
Madras.

Sir,

Advances - Loans - Security - hypothecation of lands assigned under the house site rules - ------ admissibility.

The Revenue Divisional Officer Coondapoor raises the question whether lands assigned under the special house site rules cannot be accepted as security in connexion with the grant of loans under the Loans Acts on the analogy of the instructions contained in B.P.No.2752 Mis.L.R. dated 17-11-24 relaxing the ----- prohibition against alienation of lands assigned to the Depressed Classes. It seems to me that this ---- concession cannot be applied to cases other than those mentioned in the above B.P. As the point is not,---- however, free from doubt, I request orders in the ---- matter.

Your obedient servant,

For Collector.

U.S? 8-5-25.

-8MAY 1925

2

R. F. XXII-A-19.—18,003—12-12-24.

Subject.— Advances Loans - S. Kanara &c. Hypothecation of lands assigned under the house site rule

FOR MEMBER

S (LA)
AS (Secl)
Thro BSecl

READ AGAIN B.P No. _____ dated _____ 192

" " " _____ " _____ 192

READ ALSO :—

Register No _____, From the _____, No. 1396, dated _____ 192 A

" " _____ " " " _____ " _____ 192

" " _____ " " " _____ " _____ 192

RESOLUTION. R/F No. 1376/25-7 dated 15-7-1925

Submitted to Govt for orders.

2. The Commissioner of Labour whom the Board has consulted points out that the plots granted under the Special house site rules prescribed for S. Kanara are quasi agricultural holdings scattered throughout the rural areas on the ot that cultivation of some sort is generally carried on in those plots. He considers that the concession granted in Govt No 1716 Rev dy 6-11-24 may with advantage be extended

(2)

to the house sites in question.
The Board agrees with the views
and requests that Your Excellency
be pleased to approve the addition
of the following as note (2) to
appx IX (~~page 64 of Vol II~~) to
B.S.O. 15 (p. 64 of Vol II) the existing
note being numbered as
note (1):

The prohibition against alienation
referred to in clause (iii.) does
not however apply to the hypothe-
cation of the land to Government
under the Land Improvement
and the Agriculturists' Loans
Acts.

(7:0)

KW
(1)-25
JJH
11-7-25

JJ2
4/VI

× App. IX A has been renumbered
as App. IX by Corrections slip
No. LXIII

The second Secy's part.

DofW
SW
1/11 7-25

Ref.C.3481-25-B3. South Kanara Collector's Office,
Mangalore, 8th July 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
M a d r a s.

Sir,

Advances - loans - security - hypothecation of lands assigned under the House site rules.

Ref My letter Ref.C.3481-25-B3, dated 8th May 1925.

******

I request the favour of early orders on my above ------- reference.

Your obedient servant,

Collector.

M.D'S.9/7.

5 5

Refer 7 1396/25-2 dy 18-7-25 — As I dictated

Advances - Loans - S Remarks re. hypothecation of Lands assigned under the house site rules - Collr's letter refe 3481/25 B-3 dy 8-7-25 — A 4 Supdt

The question has been referred to Govt for orders

KM 18-7-25

VM 18-7-25

W 18/7/25

A 2-3 Supdt

Issue

VM 18.7.25

To the Collr of S Kanara

Dy Supdt 21.7.25

BOARD OF REVENUE
11 SEP. 1925
LAND REVENUE & SETTLEMENT
GOVERNMENT OF MADRAS

6

Scott. II-15 (a)—24,550—9-12-24.

Received ..... 192 *Registered* 73220 192

Abstract.

Revenue DEPARTMENT.

G.O. No. 1399, Mis., , dated 8th September 192 5.

READ the following papers :—

ENCLOSURES.
17 Rev Mis 225 (C)
17-11-24
No. 1 & 2-3 copies

G.O.No.Mis.1716, dated 6th November 1924,
From the Board of Revenue, Land Revenue & Settlement, No. 1396/25-1 dated 15th July 1925.

O r d e r:-

The Government approve the addition proposed by the Board of Revenue to Appendix IX to Board's Standing Order No.15.

A 64 A 50 vol II

(By Order of the Governor in Council)

E.W.Legh,
Second Secretary.

To
The Board of Revenue, Land Revenue & Settlement.
Copy to the Law (General) Department.

F o r w a r d e d.

(By Order)

sr.

Superintendent.

4

11-925

R. F. XXII-A-19.—18,003—12-12-24.

Subject.

FOR MEMBER

Advances. Loans - S'Kanara dt
Hypothecation of Lands assigned
under the Land Revenue rule
Permission to communicate

READ AGAIN B.P. No. _____ dated 1 7 1396 192 Q

" " Kifer " " 7 1396/25-1-1 dated 15-7-25 192 A

H 2-34

READ ALSO :—

Register No. _____, From the _____ No. 3220, dated _____ 192

164

" " _____ " " _____ " _____ 192

" " _____ " " _____ " _____ 192

2092

RESOLUTION. No. ~~2092~~ dated 24-9- 1925

164.

Communicated to the
Collr of S Kanara

2 The following amendment
will be made in the B.S.O. Vol 7
Page 64 - standing order no 5,
Appendix IX Form of patta
for house sites in the S Kanara
District

(1) Renumber the existing note
as note (1)

(2) Insert the following as note (2)
The prohibition against
alienation referred to in
clause (iii) does not however
apply to the hypothecation

Issue (No 2 & No 3)
JSA
24 9 25

of the Land Improvement
under the Land Improvement
and the Agriculturists
Loans Act

(Jo no 7399 mis Rev d 8.9.25
S.P no mis 7092 d 24.9.25)

x (70 Gr Industries Cy C.J)

Note (Gubbay)
The amendment D.S. 50 Vol II
will be given E.R.H after
the draft is approved

Rec'd
24/9

Secretary of S. Kenya

Advances Loans- S.Kanara- House sites granted under the special house-site rules-Hypothecation to Govt.

1396/25 Collr. S.Kanara.

To A.S.(Sett)

Please see the letter from the Collr. of South Kanara at p.1 c.f. The special house site rules referred to by the Collr. will be found in para 40 (3) of B.S.O. No. 15 (revised). The form of patta containing the conditions of the grant of such lands will be found in Appx. IX, at p.64 of B.S.O. Vol. II. A perusal of the restrictions against alienation, mortgage etc., in respect of the lands assigned to the depressed classes* and of those relating to the house sites ~~xxxxxxxxx~~ assigned to the poorer classes in S.Kanara will show that they are more or less similar. In the latter case, the restrictions apply only for a period of 10 years from the date of the grant while in the former no such period has been prescribed, but the restrictions apply only in regard to alienations except to other members of the depressed classes. In the case of the lands granted to members of the depressed classes, the restrictions against their hypothecation to Govt. under the Land Improvements and Agriculturists' Loans Acts was relaxed by Govt. as it was found that such restrictions handicapped the members of the depressed classes in improving the lands

assigned to them. No such inconvenience is reported to have been felt in the present case and it seems unnecessary to address Govt. in ~~the~~ the matter. The Collr. may be informed that lands assigned under the special house site rules cannot be accepted as security for loans under the Loans Acts within a period of ten years from the date of the grant.

I am inclined to agree with this & think it would be better to wait till there is a demand if there is not approved see note below

HJ 26/5

NA 26.5.25 JJH 26.5.25 Secy.

I submit there seems no reason why the privilege of hypothecating the lands assigned to them should not be extended to the ~~landless poor & depressed classes~~ Scheduled Castes. These are landless poor & these are assigned ½ acre (maximum) because they are not preferentially entitled to obtain land under the ordinary rules and they cannot afford to buy house sites for themselves. If these poor people are encouraged to put up a shed on the ~~plot~~ allotment and cultivate the rest and gradually improve their holding I there seems no reason why they should not

to be helped by means of small loans under the Land Transfer Act. In case of deferment of payment of loan instalments the resumption of the grant will proceed as in the case of Depressed Classes ~~assignments~~ assignments.

If the Board approves, further may be addressed for the insertion of a note to Appendix IX - A of the following effect :—

page 64 of B.S. Vol II

"The prohibition against alienation referred to in clause (iii) does not however apply to the hypothecation of the lands to Govt under the Land Transfer Act."

[illegible] 5/6/25 [illegible] 6.6.25

Mr Though this paper is not a matter of direct concern to Mr Ellis in his present capacity I would suggest sending it to him as in view of his knowledge of S. Kanara. He will be able to compare the Landless people of S. Kanara with the depressed classes with whom he is now concerned. [illegible] 6/6

This may be done 8.6.25

To the Commissioner of Labour [illegible] Ft 1396/25 8.6.25

JJH 8.6.25

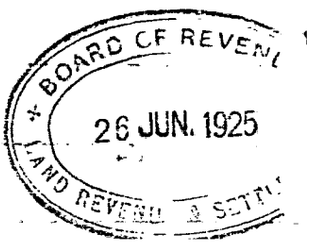
Papers in the file
N.7 3 maps.
C.7 1 sheet.
Rif. Mis. 2252 of 17.11.24
Rif. 89 of 2.11.20 (8 spare copy)

[illegible] 2079/25 10 JUN 1925 [illegible]

7 1976

Labour Commissioner's Office, Madras.

I see no objection to extending the concession to house sites granted under the South Kanara rules. These, unlike house sites in other districts, are quasi-agricultural holdings scattered, with very few exceptions, throughout the rural areas in the district and not collected into cheris or hamlets. The plots merely always contain, besides the settler's house, cultivation of some sort. The people are extraordinarily industrious and do a great deal with their little plots. If small loans are required I see no reason why the concession should not be extended.



R. H. Ellis,
Commissioner of Labour.
(True Copy)

V.V. Swaminathan 24.6.25

P.V.C. 23-6.

MANAGER.

24.6.25

To

The Secretary to Board,
Land Revenue and Settlement, U.O.

L.C.U.O.No. 79/25.
23-6-1925.

N.Z. - 4 pages
C.Z. - 1 sheet
B.P. Mis. 2752 & 17.11.24
B.P. 89 & 2.11.20.

Board of Rev 2 P

Secy/

Please see the notes at pages 2-3 above. Proposal may be addressed for the grant of the concession to the assignees under the special darkhast rules in South Kanara. A note may be added to Appendix IX-A as suggested overleaf

Sd
4/7

M3

Forwarded. The Collr does not say that there is any demand for the concession & I am still minded to doubt the wisdom of putting up the case unless there is a demand

HWJ 6/7

I can see no harm in asking Government to extend the concession to the anyuses in S. Canara. The grant of the concession might itself create the demand for its application in individual cases.

JR 9.7.25

S
AS (Lit)
Thro' JS Secy

AS (Lit)

Draft is submitted

Ptr JVH 11.7.25 JR 14/7
14.7.25
M 12/7/25

I Reference ref. F.1396/25-I, dt 15.7.25 — Ht 2-3 cf
Reply from Govt N. D. F 3220 dt 11.9.25]
— 16 cf

AS (Lit)

Please see the fo at 6 cf.

2 Draft communicating the fo Govt Order submitted

Ptr JVH 15-9.25 JR 15/9
14.9.25
M 15/9/25

Why is this sent to me again. I passed the draft on 16/9

Secy
Ptr 22.9 JR 22/9

M3. 2nd
AS (Lit) Secy
Thro' JS Secy